

Remarks:

Claims 1-3, 5-28, and 30-38 are pending in this application. The Office Action of July 20, 2005 ("the Office Action") rejects all claims. Claims 1-3, 5-28, and 30-38 are rejected as anticipated by U.S. Patent No. 5,755,773 to Evans et al. (Evans). Applicants respectfully traverse this rejections and submit that the pending claims, as amended, should be allowed for the reasons set forth below. Applicants thank the Examiner for participating in a telephone discussion of the office action on August 10, 2005 with Applicants' representative Philip Gonzalez, at which time clarifications consistent with those below were advanced. At that time, the Examiner indicated general understanding and agreement with these clarifications, but requested them in writing for further review and consideration.

35 U.S.C. § 102

Claims 1-3, 5-28, and 30-38 are rejected as being anticipated under 35 U.S.C. § 102(b) by Evans.

Applicants appreciate the illustration supplied in the Response to Arguments of the Office Action. It has clarified a distinction between the device disclosed by Evans and the applicants' invention as claimed. Specifically, the feature identified as "A second opening (G)" is, in fact, not an opening in the devices taught by Evans. Evans teaches a bifurcated device incorporating a shunt (91,92) for the isolation of a stent leg when the corresponding iliac artery is deemed by the surgeon to be unsuitable to support circulation. Evans, column 3, line 66 - column 4, line 21. The surgeon then provides an alternative circulation route to the shunted artery by performing a bypass downstream of the shunt. Evans, col. 9, line 61 to col. 10, line 2; Fig. 7D. The disclosure of Evans is therefore directed to devices and methods for *eliminating* circulation to a branch. A sealing engagement between its components is in the context of "sealing off" the flow to one branch. Evans, col. 9, lines 29-33.

In marked contrast, applicants disclose and claim methods and devices for *delivering* circulation to *each* of the branches of a bifurcated device. Applicants' disclosure, page 3 lines 9-14 and page 8, lines 18-24. Applicants' independent claims 1, 25, 30, and 31, as amended, indicate that the leg portions of the device are open to permit flow through their length. In fact, the applicants' device takes advantage of this flow to enhance the sealing engagement between the two interlocked members. *Id.*, page 3, lines 15-16 and page 8, lines 24-27. This

sealing can be further enhanced by, for example, incorporating an impingement area into the second member. *Id.*, page 3, lines 16-18 and page 8, lines 27-29.

Applicants respectfully submit that Evans fails to disclose that each leg portion of its device has an open end as claimed in applicants' amended claims 1, 25, 30, and 31. Therefore, Evans cannot anticipate these claims. Further, because dependent claims 2-3, 5-24, 26-28, and 32-38 depend, directly or indirectly, from independent claims 1, 25, 30, and 31, Evans cannot anticipate these dependent claims either. Applicants therefore respectfully submit that this rejection should be withdrawn.

Summary

In view of the arguments set forth above, the applicants respectfully submit that claims 1-3, 5-28, and 30-38 are in condition for allowance. Early and favorable notification to this effect is respectfully requested.

Respectfully submitted,



Rex A. Donnelly, Reg. No. 41,712
Phillip E. Gonzalez, Reg. No. 55,213
Attorneys for Applicants

PEG/mc

Dated: October 20, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

